

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

BRENDA MCKINNEY, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION,

Defendant.

Case No. 1:23-cv-01372-RLY-MJD

**JOINT REPORT ON THE STATUS OF DISCOVERY**

Pursuant to the Court's December 6, 2023, Minute Order (ECF No. 39), the parties jointly submit the following Joint Report on the Status of Discovery in advance of the January 5, 2024 status conference.

<b>1. A detailed description of all discovery completed to date:</b>
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- The parties agreed that discovery produced in *Manassa* will be deemed produced in this action.
- The parties agreed the deposition testimony obtained in *Manassa* may be used in this action as if the depositions had occurred in and for purposes of this action.
- November 20, 2023: The parties exchanged initial disclosures.
- November 27, 2023: Plaintiff filed her preliminary witness and exhibit list.
- December 4, 2023: The NCAA filed its preliminary witness and exhibit list.
- December 22, 2023: Plaintiff served her First Requests for the Production of Documents (First RFPs) on the NCAA.

- January 2, 2024: The NCAA served its First Set of Interrogatories, First Set of Requests for Production of Documents, and First Set of Requests for Admission on Plaintiff (collectively the “NCAA’s First Set of Discovery Requests”).

**2. A detailed description of all discovery presently scheduled or pending, including the due dates for any pending discovery requests and the scheduled dates for any depositions, and the identity of the counsel responsible for completing such discovery.**

The NCAA’s responses to Plaintiff’s First RFPs are due January 22, 2024.

Plaintiff’s responses to the NCAA’s First Set of Discovery Requests are due February 1, 2024.

**3. A detailed description of any discovery disputes presently pending, including the status of the resolution of the dispute and the identity of the counsel responsible for resolving the dispute.**

**Plaintiff:**

- The parties are currently discussing the NCAA’s proposed edits to the ESI Protocol/Order in *Manassa*.
- The parties have disputes regarding the NCAA’s privilege designations (made in *Manassa* and adopted in this litigation). Plaintiff is evaluating those designations to identify the specific documents she wishes to challenge.

Attorneys Beth Fegan, Melissa Ryan Clark, and Jessica Meeder are responsible for resolving these disputes.

**The NCAA:**

- Regarding the ESI Protocol/Order, the parties currently are continuing to discuss the issue of email threading. At present, the NCAA is in favor of email treading, and Plaintiff is not. The parties are continuing to discuss this issue.

- The NCAA awaits Plaintiff's challenges to specific entries to the *Manassa* privilege log.

The NCAA's counsel responsible for resolving these disputes are Brian Casey and Alicia Barrs.

**4. A detailed description of all discovery that is planned to be completed within the 28-day period following the report, including the identity of the counsel responsible for completing such discovery.**

**Plaintiff:**

In the next 28 days, Plaintiff hopes to resolve discussions regarding an ESI Protocol (or proposed order) for this case or, if necessary, raise any disputed provisions with the Court. Plaintiff may also serve additional written discovery in the next 28 days.

Attorneys Beth Fegan, Melissa Ryan Clark, and Jessica Meeder are responsible for completing such discovery.

**The NCAA:**

In the next 28-day period, the NCAA anticipates continued discussions about the ESI Protocol/Order and privilege log.

The NCAA's counsel responsible for conducting such discovery are Brian Casey and Alicia Barrs.

**5. A description of all known discovery remaining to be completed in this matter, including a proposed timetable for the completion of such discovery and the identity of the counsel responsible for completing such discovery.**

**Plaintiff:**

Plaintiff will serve additional RFPs, interrogatories, requests for admission, and deposition notices and subpoenas. Plaintiff anticipates Defendant will conduct discovery of her, e.g., through

document requests or depositions. Discovery will be completed in accordance with the Court's November 2, 2023 Case Management Plan ECF No. 30. The parties will identify more specific time tables as discovery progresses.

Attorneys Beth Fegan, Melissa Ryan Clark, and Jessica Meeder are responsible for completing such discovery.

**The NCAA:**

The NCAA will depose Plaintiff after Plaintiff has completed her document production and other discovery responses. The NCAA anticipates completing its deposition of Plaintiff prior to the parties' class-certification briefing deadlines. The NCAA also anticipates serving additional sets of discovery requests as the case progresses.

The NCAA's counsel responsible for conducting such discovery are Brian Casey and Alicia Barrs.

**6. Any other discovery issues any party believes should be brought to the attention of the Court so as to avoid any further delays in the completion of discovery in this matter.**

**Plaintiff:** None.

**The NCAA:** None.

DATED: January 2, 2024

Respectfully submitted,

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